

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT ALAN HEIBEL, #237313,

Petitioner,

v.

CASE NO. 2:08-CV-10979
HONORABLE ANNA DIGGS TAYLOR

THOMAS K. BELL,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR A CERTIFICATE OF APPEALABILITY [D/E 10]**

This matter is before the Court on Petitioner's motion for a certificate of appealability regarding the denial of his habeas petition. The Court, however, denied a certificate of appealability and denied leave to proceed on appeal *in forma pauperis* in its opinion and order denying the petition. The Court finds no reason to reconsider that decision. A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3).

The Court has also denied Petitioner's motion for relief from judgment. Petitioner is not entitled to relief under Rule 60(b), as he has not shown that this Court erred in denying his

habeas claims. Petitioner has not made a substantial showing of the denial of a constitutional right as to the denial of his motion for relief from judgment or his underlying habeas petition. Accordingly, the Court **DENIES** Petitioner's motion. The Court also **DENIES** leave to proceed on appeal *in forma pauperis* as any appeal would be frivolous. *See* Fed. R. App. P. 24(a).

SO ORDERED.

DATED: July 18, 2008

s/Anna Diggs Taylor
ANNA DIGGS TAYLOR
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing Order was served upon Petitioner by First Class U.S. mail on July 18, 2008.

Robert Heibel, #237313
Parr Highway Correctional Facility
2727 East Beecher St.
Adrian, MI 49221

s/Johnetta M. Curry-Williams
Case Manager